(29)

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

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**SINGLE BENCH : HON'BLE SHRI H.L. DATTU, CJ.**

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**Contempt Petition No.99 of 2004**

**PETITIONERS**

1. M.D.Diwan, S/o O.D. Diwan, aged 35 years, Occupation – Service presently working as lecturer in D.D.S. Higher Secondary School, Birra, R/o Near Doordarshan Centre, B.D.M. Hospital, Champa, district Janjgir – Champa (C.G.)
2. N.P. Pandey, S/o. M.Lal, aged 49 years, Occupation-Service presently working as lecturer in D.D.S. Higher Secondary School, Birra, R/o Village-Karnaud, Via Bamnidih, District Janjgir – Champa (C.G.)

**VERSUS**

**RESPONDENTS**

1. Alok Shukla, Secretary, Government of Chhattisgarh, Department of School Education, D.K.S. Bhavan, Raipur (C.G.)
2. B.P.S. Netam, District Education Officer, Janjgir,-Champa (C.G.)

Contempt Petition under Article 215 of the Constitution of India.

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Present: Shri Indrasen Sahu, counsel for the petitioners.
Shri Pankaj Shrivastava, counsel for respondent No.2.

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**ORAL ORDER**
**(Passed on 4th May, 2007)**

This Court by its order dated 15.10.2003 in writ petition No.3007/2003 had passed the following order and directions :

> Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, it is directed that the petitioners may be allowed to continue on the post on which they are working today until further orders.

(2) It is the case of the petitioners before this Court that on the date when the order came to be passed by this Court, they were working as Lecturers and therefore, the respondents cannot ask them to work as Shiksha Karmis and also cannot pay salary of the Shiksha Karmi. Therefore, according to the petitioners, the respondents have disobeyed wilfully and deliberately the orders and directions issued by this Court on 15.10.2003.

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(3) Respondent No.2 has entered appearance through learned counsel and he has also filed his detailed counter affidavit along with orders passed by the State Government dated 15.07.2003 and 14.08.2003.

(4) A perusal of the aforesaid orders would clearly demonstrate that petitioners' services came to be absorbed by the State Government only as Shiksha Karmis, and not as lecturers. On the day when the order came to be passed by this Court, the petitioners were working as Shiksha Karmis and not as lecturers. If they are continuing on the same post, in my opinion, the respondents have not committed any act of disobedience of the orders and directions issued by this Court. Therefore, I do not intend to take cognizance of this contempt petition. Accordingly, the contempt petition is rejected. Any observations made by me in the course of the order would not come in the way of the petitioners urging all the said contentions which are available to them in the writ petition which is pending before this Court. Ordered accordingly.

**Sd/-**
**Chief Justice**